

**REMARKS**

In the above-referenced Office Action, the Examiner divided the claims into the following groups:

- I. Claims 1-34, drawn to a semiconductor device; and
- II. Claims 35-59, drawn to a method of fabricating a semiconductor device.

In addition, if Group I is elected, the Examiner requested an election of species from the following groups:

1. Embodiment 1 of Figures 2A-2C;
2. Embodiment 2 of Figure 3;
3. Embodiment 3 of Figures 4A-4B;
4. Embodiment 4 of Figure 6; and
5. Embodiment 5 of Figure 7.

If Group II is elected, the Examiner requested an election of species from the following groups:

1. Embodiment 1 of Figures 2A-2C;
2. Embodiment 2 of Figure 3;
3. Embodiment 3 of Figures 4A-4B;
4. Embodiment 4 of Figure 6; and
5. Embodiment 5 of Figure 7.

In response, the applicants elect Group I, species 1, claims 9-17 and 19-24. Non-elected claims 1-8, 18 and 25-34 have been withdrawn without prejudice to consideration of these claims upon allowance of a generic claim. Non-elected claims 35-59 have been canceled without prejudice to pursuing these claims in a continuation,

divisional, continuation-in-part, or other application. The foregoing election is made with the understanding that the Examiner and the U.S. Patent and Trademark Office are now bound to the finding of non-obviousness between each of the species.

The applicants' attorney traverses the Examiner's assertion that no claim is generic and notes that at least claims 9 and 21 are generic. Upon allowance of the generic claims, applicants request consideration of claims to additional species which are written in dependent form or which otherwise include all the limitations of the allowed generic claims.

No fees are believed due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665.

Respectfully submitted,  
Perkins Coie LLP



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